

# Daily Digest

## HIGHLIGHTS:

Senate agreed to the Conference Report to Accompany H.R. 3108, Pension Funding Equity Act.

## Senate

### Chamber Action

*Routine Proceedings, pages S3959–S4074*

**Measures Introduced:** Sixteen bills and seven resolutions were introduced, as follows: S. 2303–2318, S. Res. 334–339, and S. Con. Res. 99. **Page S4024**

#### Measures Passed:

**Major League Baseball Drug Testing Policy:** Senate agreed to S. Res. 335, expressing the sense of the Senate that Major League Baseball clubs and their players should take immediate action to adopt a drug-testing policy that effectively deters Major League Baseball players from using anabolic steroids and any other performance-enhancing substances that create a competitive advantage for, and pose a serious health risk to, such players and the children and teenagers who emulate them. **Pages S3996–99, S4054**

**National Cystic Fibrosis Awareness Month:** Committee on the Judiciary was discharged from further consideration of S. Res. 298, designating May 2004 as “National Cystic Fibrosis Awareness Month”, and the resolution was then agreed to.

**Page S4060**

**Human Rights Violations:** Committee on Foreign Relations was discharged from further consideration of S. Res. 328, expressing the sense of the Senate regarding the continued human rights violations committed by Fidel Castro and the Government of Cuba, and the resolution was then agreed to, after agreeing to the following amendment proposed thereto:

**Pages S4060–61**

Frist (for Nelson (FL)), Amendment No. 3044, to make a technical correction.

**Page S4060**

**Paralyzed Veterans Appreciation:** Senate agreed to S. Res. 337, expressing the appreciation of the Senate for the Paralyzed Veterans of America.

**Pages S4055, S4061–62**

**Federal Workforce Flexibility Act:** Senate passed S. 129, to provide for reform relating to Federal employment, after agreeing to the committee amendment in the nature of a substitute, after agreeing to the following amendment proposed thereto:

**Page S4062**

Frist (for Voinovich) Amendment No. 3045, to make a technical correction.

**Page S4068**

**Kosovo:** Committee on Foreign Relations was discharged from further consideration of S. Res. 326, condemning ethnic violence in Kosovo, and the resolution was then agreed to.

**Pages S4070–71**

**National Youth Service Day:** Senate agreed to S. Res. 338, calling on the President to designate April 16, 2004, as National Youth Service Day.

**Pages S4055, S4071**

**Pension Funding Equity Act Conference Report:** By 78 yeas to 19 nays (Vote No. 68), Senate agreed to the conference report to accompany H.R. 3108, to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to temporarily replace the 30-year Treasury rate with a rate based on long-term corporate bonds for certain pension plan funding requirements and other provisions, clearing the measure for the President.

**Pages S3968–96**

**Jumpstart Our Business Strength (JOBS) Act:** Senate continued consideration of S. 1637, to amend the Internal Revenue Code of 1986 to comply with the World Trade Organization rulings on the FSC/ETI benefit in a manner that preserves jobs and production activities in the United States, to reform and simplify the international taxation rules of the United States, taking action on the following amendments proposed thereto:

Adopted:

Frist Motion to Recommit the bill to the Committee on Finance, with instructions to report back forthwith with the following amendment:

Frist Amendment No. 3011 (to the instructions of the Motion to Recommit the bill to the Committee on Finance), in the nature of a substitute (considered as original text for the purpose of further amendment).

Withdrawn:

Frist Amendment No. 3012 (to the instructions (Amendment No. 3011) of the Motion to Recommit the bill to the Committee on Finance), relative to the effective date following enactment of the Act.

During consideration of this measure today, Senate also took the following action:

Frist Amendment No. 3013 (to Amendment No. 3012), relative to the effective date following enactment of the Act, fell when Frist Amendment No. 3012 (listed above), was withdrawn.

Harkin Amendment No. 2881, to amend the Fair Labor Standards Act of 1938 to clarify provisions relating to overtime pay, fell when the Frist Motion to Recommit the bill to the Committee on Finance, with instructions (listed above), was agreed to.

A unanimous-consent agreement was reached providing that when the Senate returns to the bill, Senator Harkin, or his designee, be recognized to offer his amendment relating to overtime; that it be in order for certain first-degree amendments be proposed thereto; and that following the disposition of the amendments, the bill be read a third time, and the Senate proceed to a vote on passage of the bill.

**Signing Authority—Agreement:** A unanimous-consent agreement was reached providing that during this adjournment of the Senate, the Majority Leader, be authorized to sign duly enrolled bills or joint resolutions.

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**Authority for Committees—Agreement:** A unanimous-consent agreement was reached providing that notwithstanding the adjournment of the Senate, all committees were authorized to file legislative and executive reports during the adjournment of the Senate on Thursday, April 15, 2004, from 10 a.m. until 12 noon.

Page S4071

**Appointment Authority—Agreement:** A unanimous-consent agreement was reached providing that notwithstanding the recess or adjournment of the Senate, the President of the Senate, the President of the Senate pro tempore, and the Majority and Democratic Leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

Page S4071

**Nominations Confirmed:** Senate confirmed the following nominations:

Donald Korb, of Ohio, to be Chief Counsel for the Internal Revenue Service and an Assistant General Counsel in the Department of the Treasury.

Brian Carlton Roseboro, of New Jersey, to be an Under Secretary of the Treasury.

Rhonda Keenum, of Mississippi, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Services.

Page S4074

**Nominations Received:** Senate received the following nominations:

Benjamin H. Wu, of Maryland, to be Assistant Secretary of Commerce for Technology Policy.

Jon D. Leibowitz, of Maryland, to be a Federal Trade Commissioner for a term of seven years from September 26, 2003.

Sueleen G. Kelly, of New Mexico, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2009. (Reappointment)

Stuart Levey, of Maryland, to be Under Secretary of the Treasury for Enforcement.

Patrick P. O'Carroll, Jr., of Maryland, to be Inspector General, Social Security Administration.

Jeffrey D. Feltman, of Ohio, to be Ambassador to the Republic of Lebanon.

Patricia M. Haslach, of Oregon, to be Ambassador to the Lao People's Democratic Republic.

Richard LeBaron, of Virginia, to be Ambassador to the State of Kuwait.

Victor Henderson Ashe, of Tennessee, to be Ambassador to the Republic of Poland.

James B. Cunningham, of Pennsylvania, to be Representative of the United States of America to the Vienna Office of the United Nations, with the rank of Ambassador.

James B. Cunningham, of Pennsylvania, to be Representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador.

Barbara J. Sapin, of Maryland, to be a Member of the Merit Systems Protection Board for the term of seven years expiring March 1, 2007.

Allen Weinstein, of Maryland, to be Archivist of the United States.

Raquel Egusquiza, of Michigan, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring October 13, 2005.

Julia L. Wu, of California, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring February 4, 2008.

David M. Stone, of Virginia, to be an Assistant Secretary of Homeland Security. (New Position)

1 Air Force nomination in the rank of general.

Routine lists in the Air Force, Army, Foreign Service, Public Health Service. **Page S4072**

**Nominations Withdrawn:** Senate received notification of withdrawal of the following nomination:

James G. Roche, of Maryland, to be Secretary of the Army, which was sent to the Senate on July 7, 2003. **Page S4074**

**Messages From the House:** **Page S4021**

**Measures Placed on Calendar:** **Page S4021**

**Petitions and Memorials:** **Pages S4021–23**

**Executive Reports of Committees:** **Pages S4023–24**

**Additional Cosponsors:** **Pages S4024–26**

**Statements on Introduced Bills/Resolutions:**  
**Pages S4026–53**

**Additional Statements:** **Pages S4016–20**

**Amendments Submitted:** **Page S4058**

**Authority for Committees to Meet:** **Pages S4058–59**

**Privilege of the Floor:** **Page S4059**

**Record Votes:** One record vote was taken today. (Total—68) **Page S3996**

**Adjournment:** Senate met at 10:01 a.m., and, in accordance with the provisions of H. Con. Res. 404, adjourned at 6:52 p.m., until 1 p.m., on Monday, April 19, 2004. (For Senate's program, see the remarks of the Majority Leader in today's Record on Page S4072.)

## Committee Meetings

(Committees not listed did not meet)

### APPROPRIATIONS: CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

*Committee on Appropriations:* Subcommittee on VA, HUD, and Independent Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2005 for the Corporation for National and Community Service, after receiving testimony from David Eisner, Chief Executive Officer, Corporation for National and Community Service.

### APPROPRIATIONS: LEGISLATIVE

*Committee on Appropriations:* Subcommittee on Legislative Branch concluded hearings to examine proposed budget estimates for fiscal year 2005 for the Offices of the Secretary of the Senate and the Architect of the Capitol, after receiving testimony from Emily J. Reynolds, Secretary of the Senate; and Alan M. Hantman, Architect of the Capitol.

### APPROPRIATIONS: DEPARTMENT OF STATE

*Committee on Appropriations:* Subcommittee on Foreign Operations concluded a hearing to examine proposed budget estimates for fiscal year 2005 for the Department of State, focusing on foreign operations, after receiving testimony from Colin Powell, Secretary of State.

### CONVENTION ON THE LAW OF THE SEA

*Committee on Armed Services:* Committee concluded closed and open hearings to examine military implications of the United Nations Convention on the Law of the Sea, after receiving testimony from Admiral Vernon E. Clark, USN, Chief of Naval Operations; William H. Taft IV, Legal Advisor, Department of State; Jeane J. Kirkpatrick, American Enterprise Institute, Washington, D.C., former U.S. Ambassador to the United Nations; J. William Middendorf II, Little Compton, Rhode Island, former Secretary of the Navy; John Norton Moore, University of Virginia School of Law, Charlottesville; and Rear Admiral William L. Schachte, Jr., JAGC, USN (Ret.), Charleston, South Carolina.

### MUTUAL FUND INDUSTRY

*Committee on Banking, Housing, and Urban Affairs:* Committee continued hearings to examine current investigations and regulatory actions regarding the mutual fund industry, focusing on investor protection issues, including late trading, market timing and selective disclosure abuses, after receiving testimony from William H. Donaldson, Chairman, U.S. Securities and Exchange Commission.

### BUSINESS MEETING

*Committee on Commerce, Science, and Transportation:* Committee ordered favorably reported the following business items:

S. 2273, to provide increased rail transportation security, with amendments;

S. 2279, to amend title 46, United States Code, with respect to maritime transportation security, with an amendment in the nature of a substitute; and

The nominations of Louis S. Thompson, of Maryland, to be a Member of the Reform Board (Amtrak), Kirk Van Tine, of Virginia, to be Deputy Secretary of Transportation, Theodore William Kassinger, of Maryland, to be Deputy Secretary of Commerce, Deborah Hersman, of Virginia, to be a Member of the National Transportation Safety Board, Thomas Hill Moore, of Florida, to be a Commissioner of the Consumer Product Safety Commission, A. Paul Anderson, of Florida, and Joseph E. Brennan, of Maine, each to be a Federal Maritime

Commissioner, Jack Edwin McGregor, of Connecticut, to be a Member of the Advisory Board of the Saint Lawrence Seaway Development Corporation, Terry M. Cross, to be Vice Commandant of the U.S. Coast Guard, and to the grade of Vice Admiral, Vivien S. Crea, to be Commander, Atlantic Area of the U.S. Coast Guard, and to the grade of Vice Admiral, Harvey E. Johnson, to be Commander, Pacific Area of the U.S. Coast Guard, and to the grade of Vice Admiral, and certain lists of nominations for promotion in the U.S. Coast Guard.

#### **NATIONAL PARK SERVICE CONCESSIONS PROGRAM**

*Committee on Energy and Natural Resources:* Subcommittee on National Parks concluded an oversight hearing to examine National Park Service's implementation of management policies and procedures for its concession management program, after receiving testimony from A. Durand Jones, Deputy Director, National Park Service, and Richard Allen Naille II, Chairperson, National Park Service Concessions Management Advisory Board, both of the Department of the Interior; Janet T. White, White Sands Concessions, Inc., Alamogordo, New Mexico; Michael F. Welch, Xanterra Parks and Resorts, Aurora, Colorado, on behalf of the National Park Hospitality Association; and Susie Verkamp, Verkamp's, El Prado, New Mexico.

#### **ANTI-SEMITISM IN EUROPE**

*Committee on Foreign Relations:* Subcommittee on European Affairs concluded a hearing to examine anti-Semitism in Europe, focusing on Arab and Muslim proponents of anti-Jewish hostility, recognition of the problem by European leadership, and the European Union Monitoring Centre on Racism and Xenophobia, and S. 2292, to require a report on acts of anti-Semitism around the world, after receiving testimony from A. Elizabeth Jones, Assistant Secretary of State, Bureau of European and Eurasian Affairs; Caryl M. Stern, Anti-Defamation League, Rabbi Andrew Baker, American Jewish Committee, Mark Levin, National Conference on Soviet Jewry, and Daniel S. Mariaschin, B'nai B'rith International, all of Washington, D.C.

#### **MEDICARE PRESCRIPTION DRUG PROGRAM**

*Committee on Governmental Affairs:* Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia concluded an oversight hearing to examine the implementation

of the Medicare Prescription Drug Improvement, and Modernization Act (Public Law 108-173), focusing on the new prescription drug discount card program, human resource issues, program integrity, system changes, and beneficiary education, after receiving testimony from Michael McMullan, Deputy Director, Center for Beneficiary Choices, Centers for Medicare and Medicaid Services, Department of Health and Human Services; Gail R. Wilensky, Project HOPE, Bethesda, Maryland, former Administrator of the Health Care Financing Administration; and Nancy-Ann DeParle, J.P. Morgan Partners, LLC, New York, New York, former Administrator of the Health Care Financing Administration.

#### **NOMINATIONS**

*Committee on the Judiciary:* Committee concluded a hearing to examine the nominations of William Duane Benton, of Missouri, to be United States Circuit Judge for the Eighth Circuit, who was introduced by Senators Bond and Talent; Robert Bryan Harwell, to be United States District Judge for the District of South Carolina, who was introduced by Senators Hollings and Graham (SC); George P. Schiavelli, to be United States District Judge for the Central District of California, who was introduced by Senator Boxer; and Curtis V. Gomez, to be Judge for the District Court of the Virgin Islands, who was introduced by Virgin Islands Delegate Christensen, after each nominee testified and answered questions in their own behalf.

#### **MASS TRANSPORTATION SECURITY**

*Committee on the Judiciary:* Committee concluded a hearing to examine safety concerns of the mass transportation system in the United States, focusing on S. 2289, to amend title 18, United States Code, to combat terrorism against railroad carriers and mass transportation systems on land, on water, or through the air, after receiving testimony from Harry S. Mattice, Jr., U.S. Attorney for the Eastern District of Tennessee, Department of Justice; S. Mark Lindsey, Chief Counsel, Federal Railroad Administration, Department of Transportation; Ernest R. Frazier, Sr., Chief, System Security and Safety, National Railroad Passenger Corporation (Amtrak); and Brian Michael Jenkins, Mineta Transportation Institute, San Jose, California.

#### **BUSINESS MEETING**

*Select Committee on Intelligence:* Committee met in closed session to consider pending intelligence matters.

# House of Representatives

## *Chamber Action*

The House was not in session today. Pursuant to the provisions of H. Con. Res. 361, providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate, it stands adjourned until 2 p.m. on Tuesday, April 20, 2004.

## *Committee Meetings*

No Committee meetings were held.

## CONGRESSIONAL PROGRAM AHEAD

Week of April 12 through April 16, 2004

### Senate Chamber

No meetings/hearings scheduled.

### House Committees

No Committee meetings are scheduled.

*Next Meeting of the SENATE*

1 p.m., Monday, April 19

*Next Meeting of the HOUSE OF REPRESENTATIVES*

2 p.m., Tuesday, April 20

## Senate Chamber

Program for Monday: Senate will be in a period of morning business.

## House Chamber

Program for Tuesday: To be announced.



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